



UNITED STATES PATENT AND TRADEMARK OFFICE

18C
UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/933,919	08/21/2001	William Douglas Sprick	CG-614 CIP	8046

27868 7590 04/15/2003

JOHN F. SALAZAR
MIDDLETON & REUTLINGER
2500 BROWN & WILLIAMSON TOWER
LOUISVILLE, KY 40202

EXAMINER

NEWHOUSE, NATHAN JEFFREY

ART UNIT PAPER NUMBER

3727

DATE MAILED: 04/15/2003 4

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/933,919	SPRICK, WILLIAM DOUGLAS
	Examiner	Art Unit
	Nathan J. Newhouse	3727

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on ____.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) Claim(s) ____ is/are allowed.
- 6) Claim(s) 1-21 is/are rejected.
- 7) Claim(s) ____ is/are objected to.
- 8) Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on ____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on ____ is: a) approved b) disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. ____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
 - a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). ____ .
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>4.5</u> .	6) <input type="checkbox"/> Other: ____ .

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 20 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In line 7, "said bead" has no antecedent basis.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over the EP reference(232,856) in view of Narin (US 5,292,020).

In figures 6-7, the EP reference teaches a container with threads 4 that have thread ridges(applicant's thread depths) which become gradually larger as it goes to the terminal end portion of the threads. The EP reference also teaches a closure with threads 5 (which have a constant thread ridge or depth), a linerless seal, and anti-back off means (12, 15). The EP reference further teaches variations on the disclosed embodiments on pages 13-14, including providing the closure and container threads that become gradually larger in thread ridge or depth. It would have been obvious to

one having ordinary skill in the art at the time the invention was made to make the threads on the closure become gradually larger in thread ridge or depth and that the threads on the container with a constant thread ridge or depth, since it has been held that a mere reversal of the essential working parts of a device involves only routine skill in the art. *In re Einstein*, 8 USPQ 167.

The EP reference does not teach applicant's anti-back off bead above the threads(the EP reference does teach other anti-back off means 12, 15) or the closure having a sealing disc. Narin teaches a threaded closure and container wherein the closure has an anti-back off bead located above the threads to prevent the closure from unthreading during storing. Narin further teaches the use of a disc seal to prevent leakage and the anti-back off bead holds the disc seal in place on the closure. As the anti-back bead of Narin and the anti-back off means of the EP reference are considered to be art recognized equivalents, it would have been obvious to substitute one for the other. As the linerless seal of the EP reference and the disc seal of Narin are art recognized alternatives to provide sealing between closure and containers, it would have been obvious to substitute one for the other.

With respect to claims 9, 12-13, 16 and 18, the combination as set forth discloses the claimed invention except for first depth being 0.0475 inches, the second depth being 0.01 inches and the length(arc of 90 degrees) the thread diminishes from the upper end. It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the first depth 0.0475inches, the second depth 0.01inches and the upper thread end diminishing over a length 90 degrees(to get to the second

depth), since it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art. *In re Boesch*, 617 F.2d 272, 205 USPQ 215 (CCPA 1980).

5. Claims 1-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over the Swiss reference(597,052) in view of the EP reference(232,856).

As shown in figure 1, the Swiss reference teaches closure with a thread with tapers at the top and bottom into the skirt(see especially upper thread adjacent 1c). The Swiss reference further teaches a bead 1c above the threads. The Swiss reference does not teach the thread depth at the lower end being a first depth greater than a second depth at the upper end of the thread.

The EP reference teaches that it is well known to provide a threaded closure to engage with a corresponding threaded container wherein the thread depth can increase along the thread to prevent loosening of the threaded closure. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the thread of the Swiss reference such that the thread depth at the lower end is a first depth greater than the thread depth at the upper end.

With respect to claims 9, 12-13, 16, 18 and 20-21, the combination as set forth discloses the claimed invention except for first depth being 0.0475 inches, the second depth being 0.01 inches and the length(arc of 90 degrees) the thread diminishes from the upper end. It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the first depth 0.0475inches, the second depth

0.01 inches and the upper thread end diminishing over a length 90 degrees(to get to the second depth), since it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art. *In re Boesch*, 617 F.2d 272, 205 USPQ 215 (CCPA 1980).

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Costello and the Swiss reference(226897) teach threaded closures where the threads taper into the skirts of the closures.

Telephone inquiries regarding the status of applications or other general questions, by persons entitled to the information, "should be directed to the group clerical personnel and not to the examiners. In as much as the official records and applications are located in the clerical section of the examining groups, the clerical personnel can readily provide status information without contacting the examiners", M.P.E.P. 203.08. The Group clerical receptionist number is (703) 308-1148.

If in receiving this Office Action it is apparent to applicant that certain documents are missing, e.g., copies of references cited, form PTO-1449, form PTO-892, etc., requests for copies of such papers or other general questions should be directed to Tech Center 3700 Customer Service at (703) 306-5648, email CustomerService3700@uspto.gov .

Any inquiry concerning the merits of the examination of the application from the examiner should be directed to Nathan J. Newhouse whose telephone number is (703)-308-4158. The examiner can normally be reached on Monday-Thursday 7:00-5:00.

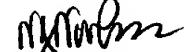
Art Unit: 3727

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lee W. Young can be reached on (703)-308-2572. The fax phone numbers for the organization where this application or proceeding is assigned are (703)-872-9302 for regular communications and (703)-872-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)-308-1148.

Other helpful telephone numbers are listed for applicant's benefit.

Allowed Files & Publication	(703) 305-8322
Assignment Branch	(703) 308-9287
Certificates of Correction	(703) 305-8309
Drawing Corrections/Draftsman	(703) 305-8404/8335
Fee Increase Questions	(703) 305-5125
Intellectual Property Questions	(703) 305-8217
Petitions/Special Programs	(703) 305-9282
Terminal Disclaimers	(703) 305-8408
Information Help line	1-800-786-9199
Internet PTO-Home Page	http://www.uspto.gov



Nathan J. Newhouse
Primary Examiner
Art Unit 3727

April 4, 2003